

March 13, 2002

CAL No. 3-02-001

Mr. Howard Bergendahl
Vice President - Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: CONFIRMATORY ACTION LETTER - DAVIS-BESSE NUCLEAR POWER STATION

Dear Mr. Bergendahl:

As a result of your identification of extensive degradation to the pressure boundary material of the reactor pressure vessel (RPV) head, the NRC dispatched an Augmented Inspection Team to your facility on March 12, 2002. A copy of the charter for the Augmented Inspection Team is enclosed for your information. The RPV head degradation was discovered on March 6, 2002, during repair activities that followed from the identification of cracks in several Control Rod Drive Mechanism (CRDM) penetration tubes. The initial penetration examinations which led to the crack identification were performed in response to Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles."

Following discussions between you and Mr. J. A. Grobe, Director, Division of Reactor Safety, Region III, you issued a letter to document commitments for activities to evaluate and resolve the RPV head degradation issue. In your letter to the NRC dated March 12, 2002, (Serial Number 1-1265), you identified several specific activities you intend to implement to resolve the reactor pressure vessel head material degradation issue. Those items are restated below as items (1) through (6) as clarified during additional telephone discussions with you on March 13, 2002. It is our understanding that you will take the following actions:

(1) Quarantine components or other material from the RPV head and CRDM nozzle penetrations that are deemed necessary to fully address the root cause of the occurrence of degradation of the leaking penetrations. Prior to implementation, plans for further inspection and data gathering to support determination of the root cause will be provided to the NRC for review and comment.

- (2) Determine the root cause of the degradation around the RPV head penetrations, and promptly meet with the NRC to discuss this information after you have reasonable confidence in your determination.
- (3) Evaluate and disposition the extent of condition throughout the reactor coolant system relative to the degradation mechanisms that occurred on the RPV head.
- (4) Obtain NRC review and approval of the repair or modification and testing plans for the RPV head, prior to implementation of those activities. Prior to restart of the reactor, obtain NRC review and approval of any modification and testing activity related to the reactor core or reactivity control systems.
- (5) Prior to the restart of the unit, meet with the NRC to obtain restart approval. During that meeting, we expect you will discuss your root cause determination, extent of condition evaluations, and corrective actions completed and planned to repair the damage and prevent recurrence.
- (6) Provide a plan and schedule to the NRC, within 15 days of the date of this letter, for completing and submitting to the NRC your ongoing assessment of the safety significance for the RPV head degradation.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C 2232, you are required to:

- (1) Notify me immediately if your understanding differs from that set forth above;
- (2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- (3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRCADAMS/index.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response,

then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/signed/

J. E. Dyer
Regional Administrator